

April 26, 2008

To: Federal Communications Commission

From: Larry W. Devall
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Subject: Proposed Rule Changes Regarding Broadcast Localism

Sirs and Madams,

It is with great interest that I notice that the on-line information sheet supplied by the FCC for comments on this particular rule change is specifically directed to those in the legal profession. However, the proposed rule changes are to "enhance" local broadcasting practices to meet the needs of the local audience. Therefore, please consider the comments of one of those local listeners.

In the introduction to FCC 07-218, it is noted, "some broadcasters devote significant amounts of time and resources to airing 'programming that is responsive to the needs and interests of their communities of license.'" In addition, the documents says, that "many stations do not engage in the necessary public dialogue as to community needs and interests and that members of the public are not fully aware of the local issue-responsive programming that their local stations have aired." You propose that rule changes be made that "promote both localism and diversity."

However, is it not true that today, the public can choose which station and which format to which they listen? If I want to listen to public radio, I have the opportunity. If I want to listen to music only, I have that opportunity. If I want to listen to talk-only radio, I have that opportunity. If I want to listen to Christian radio, I have that opportunity. If I want to listen to shock radio, I even have that opportunity. Today, I can listen to a radio station that meets my needs and others can listen to radio station that meets their needs.

Our Founding Fathers, in writing the Constitution of the United States included in the document the first ten amendments, the Bill Of Rights. The first of these rights deals with freedom of religion, speech, and press, to wit:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This freedom was so important to our Founding Fathers that it was listed as the first freedom, even more important than the right to bear arms.

While I certainly do not agree with everything that our citizens may say (including burning the American Flag, which has been determined to be "free speech"), I defend their constitutional right to say it.

Your proposed rule changes appear to be a thinly veiled attempt to control the airways in such a way that speech must now have approval of a group of local bureaucrats that will determine what I can listen to on the radio. It is not the role of government to limit my freedoms, guaranteed in the constitution, by passing additional rules and regulations concerning the programming of local, privately-owned radio stations, especially when those rules in no way serve the public interest. I assure you, sirs and madams, that the public is a whole lot smarter than you give them credit. If the listening public does not like the programming on a local station, they will get the programming changed, or they will not listen and the station will lose its commercial support, and soon be out of business.

Diversity is not enhanced by dictating what programming, and how much of various programming is included in each station's broadcast. It is, however, enhanced by having a wide range of radio stations with a broad perspective of views and of entertainment.

I urge you, as one who is an avid radio listener, PLEASE DO NOT MAKE THE PROPOSED RULE CHANGES. They will not have the effect that you hope. Instead, stations will be forced out of business by the additional red tape and programming change requirements and my First Amendment right to say what I want and LISTEN TO RADIO STATION AND PROGRAMMING TO WHICH I CHOOSE will be infringed upon.

Thank you,

Larry W. Devall